



August 21, 2019

VIA ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square New York, NY 10007

Re: *United States v. Merlin Dilone*, 17-cr-707 (VSB)

Dear Judge Broderick:

On August 19, 2019, in response to defense's counsel's August 15, 2019 letter outlining the tentative agreement between defense counsel and the Government as to the scope of Mr. Dilone's September 16, 2019 *Fatico* hearing, Your Honor inquired: "Do the parties agree Defendant had a blade in his hand during the earlier incident related to his cousin but disagree about what, if any, intent Defendant had at that time?" *See* Dkt. No. 54. The answer is yes, Your Honor is correct about the scope of the agreement. While the defense will not dispute that Mr. Dilone had a blade in his hand earlier in the night, the parties each seek to present video evidence supporting their respective positions about Mr. Dilone's intentions with regard to the blade at the *Fatico* hearing.

Please advise if the Court has further questions.

Very truly yours,

/s/ Kristen M. Santillo
KRISTEN M. SANTILLO

cc: AUSA Frank Balsamello
AUSA Anden Chou
AUSA Matthew Hellman